

REMARKS

Restriction Requirement:

The undersigned attorney elects Group I, claims 1 to 16 for examination. To advance prosecution of the present application, non-elected claims 27 and 28 have been cancelled.

Allowable Subject Matter:

The Examiner indicated that claims 17-20 and 22 contain allowable subject matter. Suitable amendment has been made to place these claims in condition for allowance.

Rejected Claims 1-16, 21 and 23-26.

The Examiner rejected independent claim 1 as being obvious over either Justus or Renner, in combination with other cited references.

(a) The Presently Claimed Invention:

To advance prosecution, and without concurring in the Examiner's rejections, claim 1 has now been amended to set forth that that claimed assembly is:

- (1) a **combined drinking cup and filter** assembly; having
 - (2) a the **wire cloth filter covering one of the openings into the beverage cup assembly**;
- and that
- (3) the cup is **both a brewing cup and a drinking cup**. IE: the coffee or tea is first brewed in cup, and then the user drinks the coffee or tea from the same cup.

(b) The Cited Art:

The Examiner cited 8 different patent references. These patents can be divided into three basic categories.

- (1) The Justus, Renner, Ziemek and Fritsche systems disclose simple filters;
- (2) The Hunnicut, Sandvig and Pytlik systems disclose systems for holding filters above a drinking cup or coffee pot; and
- (3) The Illk system discloses a tea bag.

(c) The Cited Art Distinguished:

Claim 1 has been amended as set forth above. Exemplary embodiments of the presently claimed invention are seen in Figs. 8 and 11. These embodiments of the present invention are particularly advantageous for at least the following reasons.

First, the presently claimed invention is a combination of both a drinking cup and a wire cloth filter. Secondly, the wire cloth covers one of the openings into the beverage cup assembly. (For example, see wire cloth 74 in Fig. 8 or wire cloth 114 in Fig. 11). Thirdly, having its own internal wire cloth filter, the presently claimed invention permits brewing of the coffee or tea in the drinking cup itself.

Such a combination is not seen in the cited references. Instead, the cited art teaches standard filters that are used in conventional coffee makers. Such standard filters are positioned in a coffee brewer (which either drips into a coffee pot, or into a coffee mug). In contrast, presently claimed invention permits brewing of the coffee or tea in the drinking cup itself. Lastly, an advantage of using a wire cloth (as opposed to paper) filter is that the filter need not be replaced. Rather, it can be re-used time and time again.

New Claims 29 to 33:

New dependent claims 29 to 33 have been added. Support for these claims is provided in Figures 8 and 11 (and in paragraphs 0046 and 0049 of the specification) respectively, as follows.

New claims 29 and 30 cover the embodiment of the invention shown in Fig. 8, where wire cloth filter 74 covers opening 77 (i.e.: a drinking hole in lid 73). As can be seen, beverage particles (e.g.: coffee grains C) are received into the cup for brewing and are then strained by wire cloth filter 74 when the user drinks from the cup.

New claims 31 to 33 covers the embodiment of the invention shown in Fig. 11 where a frame 112 is positioned at the top of the beverage cup assembly, with wire cloth filter 114 being positioned within frame 112. As can be seen, beverage particles (e.g.: coffee grains C) are received directly into wire cloth filter 114. The user prepares the beverage by pouring water into filter 114. A top lid 115 covers frame 112 and wire cloth filter 114.

New Claims 34 to 37:

New claims 34 and 35 are similar to claims 29 and 30.

New claims 36 and 37 are similar to claims 32 and 33.

Appl. No. 10/762,831
Amendment dated May __, 2006
Reply to Office Action mailed February 7, 2006

CONCLUSION

For the reasons presented above, all claims are believed to be in condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner believes that it would facilitate prosecution, the Examiner is requested to contact Applicants' Attorney, David R. Heckadon at (415) 875-3266.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1990 and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: May 8, 2006

By: 
David R. Heckadon
Registration No. 50,184

**Please recognize our Customer Number 27111
as our correspondence address.**

David R. Heckadon
GORDON & REES, LLP
101 West Broadway, Suite 1600
San Diego, California 92101-8217
Phone: (415) 875-3266 (direct)
Phone: (415) 986-5900 (main)
Facsimile: (415) 986-8054
Attorney Docket No. VGUE 1037708